

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE LITIGATION

) MDL No. 1456

) Master File No. 01-12257-PBS
) Judge Patti B. Saris

U.S. DISTRICT COURT
DISTRICT OF MASS.

THIS DOCUMENT RELATES TO:
State of California, ex rel. Ven-A-Care v.
Abbott Laboratories, et al.
CASE #: 1:03-cv-11226-PBS

**STATE OF CALIFORNIA'S MOTION TO FILE IN
CAMERA UNDER SEAL AND TO IMPOUND**

The State of California ("California"), by its attorneys, hereby moves pursuant to Local Rule 7.2 and California Government Code § 12652(c)(2)-(5) to file in camera under seal and to impound until further order of this Court: (1) Ex Parte Application by the State of California for a Partial Lifting of the Seal; (2) Declaration of Thomas A. Temmerman, Sr. Assistant Attorney General; (3) Memorandum in Support of Ex Parte Application; and (4) Proposed Order. As grounds therefor, California states:

1. This is a qui tam action brought by relator, Ven-A-Care of the Florida Keys, Inc., a Florida corporation, pursuant to the California False Claims Act, California Government Code § 12652.

2. Pursuant to the California False Claims Act, the complaint in a qui tam action must be filed in camera and remain under seal until the Attorney General determines that he will intervene or until further order of the court. Cal. Gov't Code § 12652(c)(2). During this period, defendants are not served with summonses or required to respond.

3. The initial complaint and the First Amended Complaint in the above case have been filed in camera and under seal in accordance with this statute and have remained impounded to date.

WHEREFORE, California prays that this Court order that the above documents be filed in camera under seal and impounded until further order of this Court.

BILL LOCKYER
Attorney General of the State
of California

By:

 (by JS)

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